

Serial No.: 10/027,235

Docket No.: KCC-16,491

Amendment dated 22 January 2005

Reply to Office Action mailed 22 September 2004

### **REMARKS**

This application has been reconsidered carefully in light of the final Office Action dated as mailed on 22 September 2004. A careful reconsideration of the application by the Examiner in light of the foregoing amendments and the following remarks is respectfully requested.

There is no additional claim fee due for this Amendment because the total number of claims does not exceed the number of independent and dependent claims for which fees have previously been paid.

### **Request for Telephone Interview**

Applicants kindly request the Examiner to contact the undersigned to schedule a telephone interview to discuss the merits of this Patent Application.

### **Amendments to the Claims**

By the above amendments, independent Claim 1 was amended to require *a side seam including a primary bond bonding an inner surface of the first side panel to an inner surface of an edge portion of the second side panel and forming an offset portion at an edge portion of the first side panel, and a secondary bond bonding the offset portion to an outer surface of the second side panel, the secondary bond extending to bond an outer surface of the second side panel edge portion to the outer surface of the second side panel.*

Independent Claim 13 was amended to require that each side seam has *a width of about 5 mm to about 30 mm, and including a primary bond bonding an inner surface of the front side panel to an inner surface of an edge portion of the back side panel and forming an offset portion at an edge portion of the front side panel, and a secondary bond bonding the offset portion to an outer surface of the back side panel, the secondary bond extending to bond an outer surface of the back side panel edge portion to the outer surface of the back side panel.*

Independent Claim 17 was amended to require a concealed side seam *including a primary bond bonding an inner surface of the first side panel to an inner surface of an edge portion of the second side panel and forming an offset portion at an edge portion of the first side panel, and a secondary bond bonding the offset portion to an outer surface of the second side panel, the secondary bond extending to bond an outer surface of the second side panel edge portion to the outer surface of the second side panel, the concealed side seam having a width of about 5 mm to about 30 mm.*

Claims 2, 4, 7, 14, 15, 34, 35, 44 and 46-48 were canceled. Claims 8, 36, 43, 45 and 49-52 were amended accordingly. New Claim 53 has been added to this Patent Application.

Claims 1, 8-13, 17, 36-43 and 45-53 remain in this Patent Application.

**Claim Rejections - 35 U.S.C. § 103(a)**

Claims 1, 2, 7-14, 17 and 34-52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 4,610,681 to Strohbeen et al. (hereinafter "Strohbeen et al.") in view of PCT International Application WO 01/79602 to Han (hereinafter "Han").

Independent Claims 1 and 17 have been amended to require the side seam to include *a primary bond bonding an inner surface of the first side panel to an inner surface of an edge portion of the second side panel and forming an offset portion at an edge portion of the first side panel, and a secondary bond bonding the offset portion to an outer surface of the second side panel, the secondary bond extending to bond an outer surface of the second side panel edge portion to the outer surface of the second side panel*. Similarly, independent Claim 13 has been amended to require each side seam to include each side seam to include *a primary bond bonding an inner surface of the front side panel to an inner surface of an edge portion of the back side panel and forming an offset portion at an edge portion of the front side panel, and a secondary bond bonding the offset portion to an outer surface of the back side panel, the secondary bond extending to bond an outer surface of the back side panel edge portion to the outer surface of the back side panel*. Independent

Claims 13 and 17 have been further amended to require that the side seam has *a width of about 5 mm to about 30 mm*.

The Examiner acknowledges that Strohbeen et al. does not disclose a first side panel offset with respect to a second side panel and side seams comprising a primary bond and a secondary bond. However, the Examiner states that Strohbeen et al. discloses that it is desirable to create a disposable garment having the appearance of underwear. For this reason, the Examiner alleges, Strohbeen et al. created a narrower or discrete exterior seam.

Strohbeen et al. teaches an exterior side seam having a total width of about 1/16" to about 3/16" (about 1.5875 mm to about 4.7625 mm). Strohbeen et al. discloses that the seam area preferably has a total width of about 1/8" (about 3.175 mm). As shown in Fig. 5, the side seam 13 connects the garment layers 31, 30, 16 at coterminous edges thereof, thus avoiding "flaps," which are allegedly undesirable.

Strohbeen et al. does not teach or suggest a disposable garment having a side seam including: (a) a primary bond bonding an inner surface of the first side panel (or the front side panel) to an inner surface of an edge portion of the second side panel (or the back side panel) and forming an offset portion at an edge portion of the first side panel (or the front side panel), and (b) a secondary bond bonding the offset portion to an outer surface of the second side panel (or the back side panel), the

secondary bond extending to bond an outer surface of the second side panel edge portion (or the back side panel edge portion) to the outer surface of the second side panel (or the back side panel), as required by independent Claims 1, 13 and 17. Further, Strohbeen et al. does not teach or suggest the side seam having *a width of about 5 mm to about 30 mm*, as required by independent Claims 13 and 17.

Unlike Applicants' claimed invention having a side seam that connects a first side panel to a second side panel, wherein the first side panel is offset with respect to the second side panel, Strohbeen et al. merely teaches a seam that is made relatively narrow so as to minimize the visibility of the seam, thus, avoiding "flaps" that may have an undesirable appearance. See Strohbeen et al. at Col. 2, lines 29-35.

Han does not overcome the deficiencies of Strohbeen et al. Han teaches a sewing method for joining two sheets of animal skin together, each having a polished leather side and a fur side. The two sheets of animal skin contact each other so that the fur sides are in face-to-face contact with a first sheet edge set back from a second sheet edge. The sewing method results in a fringe of fur filaments A which protrude from the edge strip 13', as shown in Figs. 9 and 10.

Han does not teach or suggest a disposable garment having a side seam including: (a) a primary bond bonding an inner surface of the first side panel (or the front side panel) to an inner surface of an edge portion of the second side panel (or the

back side panel) and forming an offset portion at an edge portion of the first side panel (or the front side panel), and (b) a secondary bond bonding the offset portion to an outer surface of the second side panel (or the back side panel), the secondary bond extending to bond an outer surface of the second side panel edge portion (or the back side panel edge portion) to the outer surface of the second side panel (or the back side panel), as required by independent Claims 1, 13 and 17. Further, Han does not teach or suggest the side seam having *a width of about 5 mm to about 30 mm*, as required by independent Claims 13 and 17.

One skilled in the art would not be motivated to combine the teachings of Han with the teachings of Strohbeen et al. to create Applicants' claimed invention. First, the method taught by Han would not be useful in constructing the garment side seam of Strohbeen et al. having a preferred width of less than about 1/8". Further, Han actually teaches away from the present invention by teaching a method of sewing that results in a non-discrete fur fringe, indicated by element reference letter A in Figs 9 and 10 of Han, that protrudes from the edge of the sewed seam. The suggested combination would not provide a garment having the appearance of underwear, and having a narrower or discrete exterior seam.

Accordingly, Applicants respectfully urge that Strohbeen et al., alone or in combination with Han, does not render Applicants' claimed invention obvious

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in the manner required by 35 U.S.C. § 103(a). Thus, Applicants respectfully request withdrawal of this rejection.

### **Conclusion**

It is believed that the above Amendment places all pending claims in condition for allowance and notification to that effect is solicited. However, should the Examiner detect any remaining issue or have any question, the Examiner is kindly requested to contact the undersigned, preferably by telephone, in an effort to expedite examination of the application.

Respectfully submitted,



Eric T. Krischke  
Registration No. 42,769

Pauley Petersen & Erickson  
2800 West Higgins Road  
Suite 365  
Hoffman Estates, Illinois 60195  
TEL (847) 490-1400  
FAX (847) 490-1403